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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,272	03/26/2002	Junzo Ozawa	02198/LH	5176
1933	7590	11/03/2003	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,272

Applicant(s)

OZAWA ET AL.

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 25-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restriction

Applicants' election of species A, Fig. 1 is acknowledged and was considered as being without traverse since it was not argued. However, contrary to applicants' reading of the claims on the elected embodiment, claim 3 does not read on the elected embodiment because it requires the "torque transmitting nut (30)". Accordingly, only claims 1, 2 and 4-24 read on the elected embodiment. Claims 3 and 25-36 are withdrawn under 37 CFR 1.142(b).

Specification

The disclosure is objected to because of the following informalities: the title is not descriptive and, since the disclosure is based on a foreign parent it should be revised to conform to current US practice.

Appropriate correction is required.

Claim Objections

Claims 1, 11, 13, 15 and 16 are objected to because of the following informalities: in claim 1, line 1, "clampedwith" should be --clamped with--; in each of claims 11, 13, 15 and 16 the reference to "a torque transmitting nut (30)" should be deleted. Appropriate correction is required. Also, as noted above, the disclosure is a translation from a foreign document as such the form of the claims could be improved to conform with current US patent practice.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of claims 11, 13, 15 and 16 the intended limitation is unclear. Specifically, in lines 2-3 it is unclear what applicant is trying to claim generally, it appears that the "not" limitation leads to confusion and maybe the "and" should be --on--. The claims were examined as best understood.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,682,906 (Ruckert) in view of Germany 91 12 424.7 (ITW). In the embodiment of Fig. 38, Ruckert discloses a fastener comprising a nut latched to one member (79) having an inner surface with a first thread (81) and a second inverse thread (80). A collar (82) having a first thread (83) engaging the second thread of the nut and, a bolt (27) engaging the first thread of the nut. Ruckert describes the bolt locked to the collar by friction providing a torque transmitting means (column 8, line 24-37). Ruckert does

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not disclose the torque transmitting means comprising "special thread ridges". ITW discloses a similar type of fastener to Ruckert but in ITW, the collar (30) provided with an internal thread (34) and, the bolt (18) is provided with "special thread ridges" (at 28). Through a partial verbal translation, it was learned that 28 was an adhesive provided on the threads (22) which would read as a "special thread ridge" increasing the frictional forces between threads of the bolt and collar.

Claims 4, 5, 11, 12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,682,906 (Ruckert) in view of Germany 91 12 424.7 (ITW) and further in view of US 6,135,689 (Matsunami). Matsunami discloses a "special thread ridge" for increasing frictional forces formed as a compressive deformation over between 10 to 90 degrees of 2-10 threads. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the special thread ridge of modified Ruckert with a compressive deformation as disclosed in Matsunami because by deformation the special thread ridge would be more economical in that it would not require a separate adhesive. The deformation to either or both of the external and internal threads would have been an obvious reversal and/or duplication of parts.

Claims 6, 7, 13, 14 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,682,906 (Ruckert) in view of Germany 91 12 424.7 (ITW) and further in view of US 2,842,180 (Brown). Brown discloses a "special thread ridge" for increasing frictional forces formed as a change in pitch of "around +/- 20%". At the time

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the invention was made, it would have been obvious for one of ordinary skill in the art to replace the special thread ridge of modified Ruckert with a change in pitch as disclosed in Brown because by a pitch change the special thread ridge would be more economical in that it would not require a separate adhesive. The pitch change to either or both of the external and internal threads would have been an obvious reversal and/or duplication of parts.

Claims 8, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,682,906 (Ruckert) in view of Germany 91 12 424.7 (ITW). The specific adhesive used in modified Ruckert is uncertain since the ITW reference is in a foreign language. However, the use of a nylon resins are well known and would have been obvious to use in modified Ruckert for their recognized advantages properties.

Claims 9, 10, 16, 17 23 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,682,906 (Ruckert) in view of Germany 91 12 424.7 (ITW) and further in view of US 4,043,239 (DeFusco). DeFusco discloses a "special thread ridge" for increasing frictional forces formed as an elastic insert (40). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the special thread ridge of modified Ruckert with an elastic insert as disclosed in DeFusco because by an elastic insert is a recognized equivalent to an elastic coating and has the advantage of be being protected from scraped off or easily damaged. The insert to

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either or both of the external and internal threads would have been an obvious reversal and/or duplication of parts.

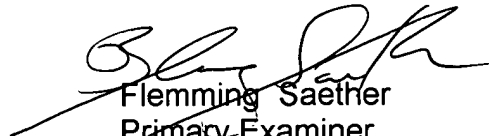
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Flemming Saether
Primary Examiner
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